

SEP 22 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ADELA R. PICADO,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 07-74575

Agency No. A073-976-591

MEMORANDUM*

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted September 13, 2010**

Before: SILVERMAN, CALLAHAN and N.R. SMITH, Circuit Judges.

Adela R. Picado, native and citizen of El Salvador, petitions pro se for review of a Board of Immigration Appeals' order dismissing her appeal from an immigration judge's decision denying her application for asylum and withholding

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

of removal. We have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence factual findings. *INS v. Elias-Zacarias*, 502 U.S. 478, 481 & n.1 (1992). We deny the petition for review.

Substantial evidence supports the agency’s finding that the threats and mistreatment Picado suffered do not rise to the level of persecution. *See Lim v. INS*, 224 F.3d 929, 936-37 (9th Cir. 2000); *see also Prasad v. INS*, 47 F.3d 336, 340 (9th Cir. 1995) (“Although a reasonable factfinder *could* have found this incident sufficient to establish past persecution, we do not believe that a factfinder would be compelled to do so.”) (emphasis in original). Substantial evidence also supports the agency’s conclusion that Picado does not have a well-founded fear of future persecution because there is no evidence in the record she will be persecuted if she returns to El Salvador. *See Molina-Estrada v. INS*, 293 F.3d 1089, 1096 (9th Cir. 2002) (where there is no presumption of a well-founded fear of future persecution, country conditions reports are relevant evidence of whether such a fear is objectively reasonable).

Because Picado failed to meet the lower burden of proof for asylum, it follows that she has not met the higher standard for withholding of removal. *See Zehatye v. Gonzales*, 453 F.3d 1182, 1190 (9th Cir. 2006).

PETITION FOR REVIEW DENIED.